



City of Seattle

Sanctions

Introduction

Sanction Issues in Domestic Violence

This sanction issues plan will focus on three areas:

1. Improving information judges have at the time of sentencing offenders with domestic violence crimes,
2. Improving compliance rates with domestic violence offenders, and
3. Alternatives to confinement.

There are no formal sentencing guidelines in DV cases, so sentencing is up to the discretion of the judges, unlike felony domestic violence crimes or DUI cases for which the sentence is legislatively mandated. Judges have a variety of sentencing options available to them, which includes type of sentence (e.g. straight jail time, suspended sentence, deferred sentence, Stipulated order of continuance, and dispositional continuance) and a variety of sentence obligations (e.g. chemical dependency evaluation and treatment as recommended, domestic violence treatment, mental health evaluation and treatment as recommended, parenting, etc.).

Improving information Judges have at time of sentencing

According to the "City of Seattle Summary Reports and Findings of Seattle's Domestic Violence Assessment," domestic violence is comprised of an ongoing pattern of behavior that often escalates over time. The specific crime that is reported to the criminal justice system may not in some cases reflect the severity of violence in the relationship. Therefore best practices recommend that criminal justice personnel make every effort to ensure that a complete history of the domestic violence between the parties is compiled. The history should include narrative information from the parties, in addition to a review of documented criminal history, as many domestic violence incidents are never reported to the police. Once thorough information on the DV-related history of the parties is compiled, staff should compile information on key risk factors including the batterer's access to firearms, drug and alcohol use, homicide and suicide threats by the batterer, stalking, strangulation attempts, and child abuse. This information should be shared with all entities involved in intervening with the case, and should be incorporated into filing decisions by the prosecutor, sentencing decisions by the judge, and monitoring decisions by probation. While criminal justice interventions often put the majority of resources towards felony cases, in domestic violence it is essential to intervene effectively at the misdemeanor level, before assaults or homicides occur."

Seattle Municipal Court judges generally impose sentences based on information provided in the police report, the criminal history, input from the prosecutor, victim advocate and defense attorney. In very complex cases, the Court orders a pre-sentence investigation. This investigation is completed by Probation Services Division and is a thorough history of the offender's background, including; family of origin, educational background, employment history, marital history, DV risk factors, alcohol and drug history and mental health history. These reports include victim contacts and other collateral sources. They are resource intensive, take significant time to complete, thus the Court orders them on an infrequent basis. Formulating a process prior to sentencing to provide Judges with appropriate information may assist the Court in imposing the most suitable sentence for the DV offender.



Improving compliance rates with domestic violence offenders

Compliance rates in this plan focus on 1) Data and standards for compliance and 2) How availability of resources impacts the DV offender.

Data and Standards: According to the “City of Seattle Summary Reports and Findings of Seattle’s Domestic Violence Assessment” “currently no one within the court completes consistent data on DV cases, compliance or re-offense rates.” “The court should consider implementing a system to track processing and outcome of DV cases. This should be done in collaboration with the Seattle Police Department, the City Attorney’s Office and King County Department of Adult and Juvenile Detention, to ensure some consistency in data between agencies.” Further, “none of the City’s criminal justice agencies tracks recidivism of DV.”

Probation counselors note that it is difficult to measure overall compliance among DV offenders because there is no single standard for compliance among judges, or among community-based batterer treatment programs. For example, some offenders with multiple conditions of sentence (e.g. inpatient and intensive outpatient chemical dependency treatment and DV treatment) do not complete all conditions within the two-year probation period. If an offender had not met all the goals of DV treatment, the DV treatment provider would report to the probation counselor that the offender had not completed treatment, and the probation counselor would provide this information to the Court. In some cases, the Court might decide that the offender has done as much as possible in the two-year period, and determine that he has “substantially completed.” Examining the databases the Court utilizes to track DV offenders and look for ways to improve compliance information is an important step in data collection.

Availability of resources and how it impacts the DV offender: Many of the offenders that are processed through Seattle Municipal Court are indigent. They may have lost their job, and their home. They may have multiple life issues, including child support payments, low job skills, literacy issues and/or health concerns. The Court imposes additional conditions such as mental health treatment, alcohol/drug treatment, and domestic violence treatment. In order for the indigent offender to navigate the mental health, chemical dependency, and domestic violence systems, they often rely on the welfare system and medical coupons (if they are eligible). None of these programs are free. If a person is indigent, and is eligible for medical coupons, the medical coupons will pay for some of the treatment programs. However, the treatment programs using this type of payment typically have a limited number of slots. Waiting lists are not uncommon. If an offender is ordered to do domestic violence treatment, the DV treatment agency screens for mental health and chemical dependency issues. Typically the DV agency wants the offender to be stable with other issues (mental health and chemical dependency) before they will be able to start treatment.

Mental health treatment is not readily available in the community, unless the person fits priority treatment categories and indicates they want treatment. If an individual is denying the need for services, mental health agencies are not able to accept the person for services. Mental health funding is decreasing, and available services are expected to become more limited.

Chemical dependency treatment has similar issues. If an individual does not have money, there is a system (ADATSA), which can pay for the first 180 days of treatment. However, the referral system is somewhat complex, and the individual must indicate they want services. If they are in denial regarding their chemical dependency issues, the ADATSA system will turn them down for services. If a person is in need of inpatient chemical dependency treatment there is a fairly lengthy waiting list, unless they have private medical insurance.



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One DV treatment agency in Seattle accepts medical coupons for payment. Their program has a wait list for services with this type of payment. Other domestic violence programs offer sliding fee programs. However, the intake fees and sliding fee scales are still unaffordable for many offenders.

To determine if there is a violation of the Court's order, the Court tries to determine if the violation is "willful" or "non-willful." If the non-compliance is considered to be non-willful because it is based on lack of economic resources, the Court generally does not impose sanctions on this type of offender. Additionally, the offender is unlikely to obtain needed services because of his/her inability to pay. These are obstacles which may impede the offender's compliance and determining ways the system can assist in eliminating these types of obstacles would be of benefit to the offender and the community.

Alternatives to Confinement

The City provides a significant amount of money for jail costs on a yearly basis. An efficient and cost effective use of jail is required. Alternatives to confinement have begun to be used more widely (example: work crew). Other sanctions such as electronic home monitoring, community service have also been used at times. Some sanctions may be inappropriate for a domestic violence offender because there may be risks to the victim and the community. To ensure safety to the victim and the community and to hold the offender accountable, it is necessary to determine the best practices regarding alternatives to confinement. Additionally, it is important to determine if there are additional alternatives to confinement that are appropriate for DV offenders, yet unavailable in our community.

Recent development

The Seattle Municipal Court believes domestic violence is a priority and in September 2004 instituted a Domestic Violence Court. The Domestic Violence Court utilizes an integrated case-processing model where one judge will preside over a case throughout all proceedings.

Cross Reference of Other Strategic Issues: Batterers' Intervention, Firearms, and Prosecution Plan.